

104

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO - EASTERN DIVISION

3 RONALD M. LISAN, M.D.,

4 Plaintiff, JUDGE PATRICIA A. GAUGHAN
5 -vs- CASE NO. 1:18-CV-00969

6 ROBERT WILKE, ACTING SECRETARY
7 OF THE UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS,

8 Defendant. VOLUME II

9 - - - -
10 Continued deposition of SUSAN M. FUEHRER,
11 taken as if upon cross-examination before Pamela
12 S. Greenfield, a Certified Realtime Reporter,
13 Registered Diplomate Reporter and Notary Public
14 within and for the State of Ohio, at the offices
15 of Sindell & Sindell, LLP, 23611 Chagrin
16 Boulevard, Suite 227, Beachwood, Ohio, at 1:35
17 p.m. on Friday, April 26, 2019, pursuant to
18 notice and/or stipulations of counsel, on behalf
19 of the Plaintiff in this cause.

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22 Court Reporters

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EXHIBIT

**Susan M. Fuehrer (Vol II) - April 26, 2019
Deposition**

105

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**Susan M. Fuehrer (Vol II) - April 26, 2019
Deposition**

188

1 would have never come to me.

2 Once I got the letter, the actions were that
3 doctor --

4 **Q. What letter?**

5 A. I'm sorry, the evidence file with the proposal to
6 make the decision. I reviewed the evidence, you
7 know, the facts in the case as I read them were
8 that there were allegations by several women,
9 numerous, four at the beginning, two at the later
10 end including a police report, including entry
11 into an OR, issues with patient safety and based
12 on that, there needed to be a suspension.

13 **Q. Well, but you sustained a 10-day suspension
14 without pay?**

15 A. Yes, I did.

16 **Q. Okay. Well, why is -- if your own chief of staff
17 recommended counseling, a counseling approach,
18 that would be far -- you didn't even consider
19 that disciplinary? Is what you're telling me?**

20 A. Correct.

21 **Q. You could have, you could have rejected the
22 suspension and suggested counseling, too, or
23 ordered counseling, right?**

24 A. I could have.

25 **Q. Why didn't you do that?**

**Susan M. Fuehrer (Vol II) - April 26, 2019
Deposition**

189

1 A. Because, as I said, Dr. Lisan was asked by his
2 supervisor on a couple -- on several occasions as
3 well as in writing, as we discussed earlier, he
4 was in fact asked by a couple nurses to stop, and
5 he failed. He didn't show remorse. He didn't
6 say, acknowledge that he, his behavior was not
7 appropriate and in an OR setting, which if any of
8 us were in the OR, I would hope that none of us
9 would want someone feeling threatened or feeling
10 like they had to leave the OR and get someone to
11 come in because someone else had entered the OR
12 that wasn't even involved in the case, and I
13 think that this is a very strong message. And
14 this, mind you, was in advance of the hashtag
15 MeToo but certainly, you know, in this era, you
16 know, sexual harassment, sexual tones, touching
17 is totally unacceptable.

18 Q. My question to you was, of course -- withdrawn.
19 The actual allegation was that he violated
20 the gag order by talking about this. Wasn't that
21 part of it?

22 MS. ASHER: Objection.

23 Mischaracterizes.

24 Q. He was ordered not to discuss it and he allegedly
25 discussed it with Karin Bonfili or somebody else?

**Susan M. Fuehrer (Vol II) - April 26, 2019
Deposition**

193

1 Q. That's okay. Go ahead.

2 A. And, you know, one of the things that I look for
3 is remorse, rehabilitability?

4 Q. **Rehabilitation?**

5 A. Rehabilitation.

6 You know, was this behavior going to stop.

7 What did we need to do to get the message
8 across to Dr. Lisan that he could not go into ORs
9 for which he had no professional business to be
10 in and initiate an inappropriate comment and
11 touch CRNAs that was putting our nation's heroes
12 at risk, our veterans.

13 Q. So what you're telling me is that part of your
14 fact finding considerations in making your
15 decision to sustain his proposed suspension was
16 the fact that by refusing to accept an offer of a
17 counseling, he failed to show any remorse for his
18 conduct or an indication acceptable to you that
19 this wouldn't occur again?

20 MS. ASHER: Objection.

21 Q. Is that correct?

22 MS. ASHER: Objection. Go ahead.

23 A. That and the comments that were made in the oral
24 reply, so.

25 Q. The oral reply?

**Susan M. Fuehrer (Vol II) - April 26, 2019
Deposition**

194

1 A. To Dr. Altose.

2 Q. There's no record made of it, was there?

3 A. Yes.

4 Q. Was it in writing?

5 A. Yes.

6 Q. Was that something that was typed up or written
7 out by hand?

8 A. I believe it was typed.

9 MS. ASHER: We produced it.

10 Q. Who provided that?

11 A. It was in the evidence file.

12 Q. Was that ever given to Dr. Lisan or his counsel?

13 A. If it was in the evidence file, I would assume it
14 would be.

15 MS. ASHER: It was given to you
16 with the initial disclosures. We gave that
17 to you many months ago actually.

18 MR. SINDELL: Yes, there were just
19 two or three documents and I don't recall
20 that that was one of your disclosures.

21 MS. ASHER: It was.

22 MR. SINDELL: But there weren't
23 two or three documents. It was a mountain.
24 I don't remember it. I'm not saying it
25 wasn't there.